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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,671	01/14/2004	Theodore A. Wegert	SHT-PT006.1	8053

3624 7590 02/03/2005

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
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PHILADELPHIA, PA 19103

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/757,671

Applicant(s)

WEGERT ET AL.

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-8, and 16-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Scheidler (US 4,492,217).

Claims 9-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sterdon (US 6,085,643).

Claims 20-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cavener et al. (US 5,571,434).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheidler. Scheidler is considered to clearly anticipate the claimed invention, except for the claimed automated robotic control including a roller or spray nozzle. It would have been an obvious matter of design choice to provide an automated robotic control including a roller or spray nozzle to the teachings of Scheidler, since automation of an old and well known process does not impart patentability over that which can be performed manually.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sterdon in view of Taplan et al. (US 6,807,962). Sterdon is considered to clearly anticipate the claimed invention, except for the claimed seal. Taplan, another method of manufacturing a cooktop, is considered to disclose a seal at column 9 line 63 through column 10 line 5. It would have been obvious to one skilled in the art to combine the clearly anticipating teachings of Sterdon with the seal, considered disclosed in Taplan for the purpose of preventing materials from passing to a burner receiving area. Furthermore, Sterdon is considered to clearly anticipate the claimed invention, except for the claimed spray nozzle. It would have been an obvious matter of design choice to provide a spray nozzle to the teachings of Sterdon, since spraying is an old and well known process of applying a barrier to ceramic glass surfaces and a nozzle is considered just one design choice means of applying that barrier.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sterdon in view of Reed et al. (US 3,298,850). Sterdon is considered to clearly

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anticipate the claimed invention, except for the claimed layer thickness. Taplan, another method of applying a silicone coating to ceramic glass surfaces, is considered to disclose specific layer thicknesses at column 2 line 64 through column 3 line 2. It would have been obvious to one skilled in the art to combine the clearly anticipating teachings of Sterdon with the specific layer thicknesses, considered disclosed in Reed for the purpose of providing a sufficient buffering layer for damage prevention for a glass ceramic surface.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheidler in view of Reed. Scheidler is considered to clearly anticipate the claimed invention, except for the claimed layer thickness. Taplan, another method of applying a silicone coating to ceramic glass surfaces, is considered to disclose specific layer thicknesses at column 2 line 64 through column 3 line 2. It would have been obvious to one skilled in the art to combine the clearly anticipating teachings of Scheidler with the specific layer thicknesses, considered disclosed in Reed for the purpose of providing a sufficient buffering layer for damage prevention for a glass ceramic surface.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cavener in view of Taplan. Cavener is considered to clearly anticipate the claimed invention, except for the claimed seal. Taplan, another method of manufacturing a cooktop, is considered to disclose a seal at column 9 line 63 through column 10 line 5. It would have been obvious to one skilled in the art to combine the clearly anticipating teachings of Cavener with the seal, considered disclosed in Taplan for the purpose of preventing materials from passing to a burner receiving area.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References E-F, cited in this action, are considered to disclose one or more features that would obviate the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 571 272 4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG
February 2, 2005

Stephen M. Gravini